



1 plaintiff's motion, giving plaintiff until August 15, 2016 to  
2 effectuate service on the defendants (ECF No. 8). The defendants were  
3 served with the complaint on August 12, 2016 (ECF Nos. 9-11).

4 Federal Rule of Civil Procedure 6(b) grants courts discretion to  
5 enlarge time periods set by the rules. Rule 6(b)(1) provides in  
6 pertinent part, that a court may, for good cause shown, grant an  
7 extension of time if the request is made before the expiration of the  
8 time period to be enlarged. Fed.R.Civ.P. 6(b)(1)(A). "Rule 6(b)(1)  
9 clearly authorizes the trial judge to extend time for service of  
10 summons and complaint if the [Rule 4(m) 90] day period has not yet  
11 expired." *U.S. for the Use and Benefit of DeLoss v. Kenner Gen.*  
12 *Contractors, Inc.*, 764 F.2d 707, 711 (9th Cir. 1985). Federal Rule  
13 of Civil Procedure 4(m) provides:

14 If a defendant is not served within 90 days after the  
15 complaint is filed, the court-on motion or its own after  
16 notice to the plaintiff-must dismiss the action without  
17 prejudice against that defendant or order that service be  
made within a specified time. But if the plaintiff shows  
good cause for the failure, the court must extend the  
time for service for an appropriate period.

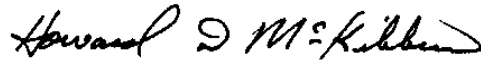
18 Fed.R.Civ.P. 4(m).

19 Defendants argue that this case should be dismissed because the  
20 plaintiff failed to serve the complaint within the deadline as  
21 established by Federal Rule of Civil Procedure 4(m). Defendants  
22 further assert that the plaintiff failed to establish good cause for  
23 an extension of service. However, the defendants failed to object to  
24 the Magistrate Judge's order granting the extension of time or file  
25 a motion for reconsideration. Because the plaintiff requested the  
26 extension of time before the expiration of the time period for  
27 completing service, and then served the defendants within the extended  
28 deadline set by the Magistrate Judge, the defendants have failed to

1 state a factual or legal basis to support a motion dismiss this case  
2 under Rule 4(m). Accordingly, the defendants' motion to dismiss (ECF  
3 No. 12) is **DENIED**.

4 IT IS SO ORDERED.

5 DATED: This 15th day of November, 2016.

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8 UNITED STATES DISTRICT JUDGE  
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